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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,094	02/27/2002	Robert Cazier	10016229-1	1976

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EXAMINER

LY, ANH

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/087,094

Applicant(s)

CAZIER, ROBERT

Examiner

Anh Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 & 8-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 & 8-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is response to Applicant's Amendment filed on 09/28/2004.
2. Claim 7 has been cancelled.
3. Claims 1-16 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,745,186 issued to Testa et al. (hereinafter Testa) in view of US Patent No. 6,408,301 issued to Patton et al. (hereinafter Patton).

With respect to claim 1, Testa teaches determining at least one first sorting criteria and at least one second sorting criteria associated with said at least one first sorting criteria (stored digital image are organized by using different sorting criteria: col.

18, lines 25-28; each of images of digital files with a unique identifier and at least one of the images in the image filed in a desired category, and the image are sorted automatically based on the physical characteristic of information obtained: col. 2, lines 15-18 and col. 3, lines 4-8; also see fig. 24, item 402 sorting categories and abstract); and

sorting a plurality of image files, located by said data path, into sets of image files, based on said at least one first sorting criteria and said at least one second sorting criteria (digital image files are automatically sorted based on the physical characteristic of information and the images are sorted and organized according to desired categories: col. 5, lines 50-55 and col. 6, lines 8-35).

Testa teaches organizing and categorizing image files in accordance with the predefined categories or sorting criteria, the process of organizing a plurality of digital images, searching the database using the associated information and all associated images would in a common location or folder. Testa does not clearly teach determining a data path, said data path indicating the location of at least two image files, creating at least one directory for at least one set of said image files; and moving at least one set of image files into the corresponding directory.

However, Patton teaches images or pictures are stored in the master picture directory (col. 4, lines 48-67), and directories are created and move image files into a directory (directories and image files are created and transmission of image files: fig. 12 and col. 6, lines 42-45; also col. 4, lines 35-45).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Testa with the teachings of Patton by incorporating the use of picture directory for storing image files with the indexing and searching image to retrieve. The motivation being to ease browsing access of the stored images on the file folder.

With respect to claims 2-3, Testa teaches a method of organizing image files as discussed in claim 1.

Testa teaches organizing and categorizing image files in accordance with the predefined categories or sorting criteria, the process of organizing a plurality of digital images, searching the database using the associated information and all associated images would in a common location or folder. Testa does not clearly teach an image file was saved and was created.

However, Patton teaches images or pictures are stored in the master picture directory (col. 4, lines 48-67), and directories are created and move image files into a directory (directories and image files are created and transmission of image files: fig. 12 and col. 6, lines 42-45; also col. 4, lines 35-45).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Testa with the teachings of Patton by incorporating the use of picture directory for storing image files with the indexing and searching image to retrieve. The motivation being to ease browsing access of the stored images on the file folder.

With respect to claims 4-5, Testa teaches a method of organizing image files as discussed in claim 1.

Testa teaches organizing and categorizing image files in accordance with the predefined categories or sorting criteria, the process of organizing a plurality of digital images, searching the database using the associated information and all associated images would in a common location or folder. Testa does not clearly teach a geographic area and said geographic area is at least one of the following: an address, a city, a state, a country, an island, a county, a region, and a town.

However, Patton teaches (GPS, global positioning system including information of state, counties, towns, cities and villages, attitude, altitude, direction, time date: col. 4, lines 28-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Testa with the teachings of Patton by incorporating the use of GPS for geographic area. The motivation being to ease browsing access of the stored images on the file folder.

With respect to claim 6, Testa teaches a method of organizing image files as discussed in claim 1.

Testa teaches organizing and categorizing image files in accordance with the predefined categories or sorting criteria, the process of organizing a plurality of digital images, searching the database using the associated information and all associated images would in a common location or folder. Testa does not clearly teach at least one directory at output location.

However, Patton teaches images or pictures are stored in the master picture directory (col. 4, lines 48-67), and directories are created and move image files into a directory (directories and image files are created and transmission of image files: fig. 12 and col. 6, lines 42-45; also col. 4, lines 35-45).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Testa with the teachings of Patton by incorporating the use of picture directory for storing image files with the indexing and searching image to retrieve. The motivation being to ease browsing access of the stored images on the file folder.

With respect to claim 8, Testa teaches at least one first sorting criteria is the resolution of the images represented by said image files (resolution of image or mode: col. 14, lines 45-50 and col. 16, lines 42-50).

With respect to claims 9-10, Testa teaches a method of organizing image files as discussed in claim 1.

Testa teaches organizing and categorizing image files in accordance with the predefined categories or sorting criteria, the process of organizing a plurality of digital images, searching the database using the associated information and all associated images would in a common location or folder. Testa does not clearly teach a file type, wherein said at least one first sorting criteria is the file type selected, and wherein said data path is default location.

However, Patton teaches selected type for user to retrieve digital images and master picture directory and type of images in a group (col. 7, lines 8-20 and col. 4, lines 57-67 and col. 5, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Testa with the teachings of Patton by incorporating the use of selected group of image and master directory as default location for storing images. The motivation being to ease browsing access of the stored images on the file folder.

With respect to claim 11, Testa teaches a computer comprising a computer-readable medium, said computer-readable medium comprising instructions for: receiving a location, wherein at least two image files are stored in said location; sorting said at least two images based on a at least one first sorting criteria and at least one second sorting criteria into sets of image files (stored digital image are organized by using different sorting criteria: col. 18, lines 25-28; each of images of digital files with a unique identifier and at least one of the images in the image filed in a desired category, and the image are sorted automatically based on the physical characteristic of information obtained: col. 2, lines 15-18 and col. 3, lines 4-8; also see fig. 24, item 402 sorting categories and abstract and digital image files are automatically sorted based on the physical characteristic of information and the images are sorted and organized according to desired categories: col. 5, lines 50-55 and col. 6, lines 8-35).

Testa teaches organizing and categorizing image files in accordance with the predefined categories or sorting criteria, the process of organizing a plurality of digital



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images, searching the database using the associated information and all associated images would in a common location or folder. Testa does not clearly teach determining a data path, said data path indicating the location of at least two image files, creating at least one directory for at least one set of said image files; and moving at least one set of image files into the corresponding directory.

However, Patton teaches images or pictures are stored in the master picture directory (col. 4, lines 48-67), and directories are created and move image files into a directory (directories and image files are created and transmission of image files: fig. 12 and col. 6, lines 42-45; also col. 4, lines 35-45).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Testa with the teachings of Patton by incorporating the use of picture directory for storing image files with the indexing and searching image to retrieve. The motivation being to ease browsing access of the stored images on the file folder.

Claim 12 is essentially the same as claim 2 except that it is directed to a computer programmed rather than a method, and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 13 is essentially the same as claim 3 except that it is directed to a computer programmed rather than a method, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 14 is essentially the same as claim 4 except that it is directed to a computer programmed rather than a method, and is rejected for the same reason as applied to the claim 4 hereinabove.

Claim 15 is essentially the same as claim 5 except that it is directed to a computer programmed rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 16 is essentially the same as claim 8 except that it is directed to a computer programmed rather than a method, and is rejected for the same reason as applied to the claim 8 hereinabove.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: [ANH.LY@USPTO.GOV](mailto:ANH.LY@USPTO.GOV). The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean Corrielus (571) 272-4032.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: Central Fax Center (703) 872-9306

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER

ANH LY   
NOV. 15<sup>th</sup>, 2004